

REMARKS

This is a response to the Final Action dated July 13, 2004.

Claims 1-3, 5-8, 10-19, 21-24 and 26-29 were pending in the application. In the Final Action, claims 1-3, 5-8, 10-19, 21-24 and 26-29 were rejected. Applicant has provided an Affidavit which overcomes the Examiner's rejections to claims 1-3, 5-8, 10-19, 21-24 and 26-29. Claims 1-3, 5-8, 10-19, 21-24 and 26-29 thus remain for consideration.

Applicant submits that the application is now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Objection to Drawings

The objection to the drawings is noted and corrected in accordance with the drawing change submitted herewith.

The drawing were objected to because (a) of poor line quality and (b) having solid black portions. Applicant has supplied Examiner with replacement drawings in which the above objections were corrected.

§103 Rejections

Claims 1-3, 6-8, 11-13, 22-24, 27 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports (hereinafter "Don Best I") in view of Brenner et al. (USPN 5,830,068).

Claims 5, 10, 21, 26 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best I and Brenner et al. (USPN 5,830,068) as applied to claim 1, 6, 11, 22 or 27 above, and further in view of Zinda et al. (USPN 6,393,437).

Claims 14-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best I and Brenner et al. (USPN 5,830,068) as applied to claim 11 above, and further in view of the Human Factors Design Guide.

Applicant submits that the independent claims (claims 1, 6, 11, 22 and 27) are patentable over Don Best I, Brenner, Zinda and the Human Factors Design Guide.

In Examiner's rejections, the Examiner relies upon Don Best I for the features of "downloading and storing to the user's computer information about occurrences in connection with odds, [and] analyzing the information." (See Final Office action, Page 3, lines 5-7).

As noted in the enclosed declaration, Don Best I does not provide means for downloading and storing, on the user's computer, information about occurrences in connection with odds and analyzing the downloaded information.

Additionally, neither Brenner, Zinda nor the Human Factors Design Guide disclose means for downloading and storing, on the user's computer, information about occurrences in connection with odds and analyzing the downloaded information

Since none of the cited references disclose means for downloading and storing, on the user's computer, information about occurrences in connection with odds and analyzing the information, Applicant believes that claims 1, 6, 11, 22 and 27 are patentable over Don Best I, Brenner, Zinda and the Human Factors Design Guide – taken either alone or in combination – on at least this basis.

Claims 2, 3 and 5 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2, 3 and 5 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 7, 8 and 10 depend on claim 6. Since claim 6 is believed to be patentable over the cited references, claims 7, 8 and 10 are believed to be patentable over the cited references on the basis of their dependency on claim 6.

Claims 12-19 and 21 depend on claim 11. Since claim 11 is believed to be patentable over the cited references, claims 12-19 and 21 are believed to be patentable over the cited references on the basis of their dependency on claim 11.

Claims 23, 24 and 26 depend on claim 22. Since claim 22 is believed to be patentable over the cited references, claims 23, 24 and 26 are believed to be patentable over the cited references on the basis of their dependency on claim 22.

Claims 28 and 29 depend on claim 27. Since claim 27 is believed to be patentable over the cited references, claims 28 and 29 are believed to be patentable over the cited references on the basis of their dependency on claim 27.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

CONCLUSION


If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner's consideration of this matter is gratefully acknowledged.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
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